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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,967	12/28/2000	Robert Watson	002.0165.01	7757

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/750,967		WATSON ET AL.	
	Examiner		Art Unit	
	Jungwon Chang		2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 13-20 have been canceled. Claims 1-12 are presented for examination.
2. The corrected drawing for fig. 2 filed on 8/27/2004 is accepted by examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al. (US 6,496,477), hereinafter Perkins, in view of Coile et al. (US 6,298,380), hereinafter Coile.

5. As to claims 1 and 7, Perkins discloses the invention substantially as claimed, including a system for negotiating multi-path connections between a plurality of intermediary devices (813, 1011, 1021, 1031, 1041, fig. 10) in a networked computing environment (col. 2, lines 15-25; col. 4, lines 18-29; col. 6, lines 18-31; col. 23, lines 35-66), comprising:

a client-side network protocol stack defined on an intermediary device available from a plurality of intermediary devices on a primary communications channel and

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establishing a client-side connection between a requesting client and the intermediary device in accordance with a connection-oriented network protocol (col. 1, lines 45-62) (col. 9, line 50 – col. 10, line 10; col. 19, lines 39-67; col. 21, lines 53-63);

a server-side network protocol stack establishing a server-side connection between the intermediary device and a requested server on a primary communications channel in accordance with the connection-oriented network protocol (col. 1, lines 45-62) (col. 9, line 50 – col. 10, line 10; col. 20, lines 50-60).

6. Perkins discloses communicating the connection parameter difference to at least one other such intermediary device over an out-of-band communication channel (col. 2, lines 15-25; col. 4, lines 18-29; col. 6, lines 18-31; col. 23, lines 35-66; routing table; col. 11, lines 22 – col. 12, line 34; col. 20, lines 15-32; fig. 20). However, Perkins does not specifically disclose a synchronization module. Coile discloses a synchronization module (col. 4, lines 13-41; col. 5, lines 5-9 and 13-18; col. 10, lines 25-57; col. 15, line 35 – col. 16, line 50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Perkins and Coile because Coile's synchronization module would increase data rates and process client requests more quickly.

7. As to claims 2, 3, 8 and 9, they rejected for the same reasons set forth in claims 1 and 7 above.

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8. As to claims 4 and 10, Perkins discloses the out-of-band communications channel comprises at least one of broadcast, multicast, or point-to-point channel (col. 24, lines 5-33).

9. As to claims 5 and 11, Perkins discloses the connection oriented network protocol comprises the Transmission Control Protocol (TCP; col. 1, lines 45-62).

10. As to claims 6 and 12, Perkins discloses the intermediary device comprises at least one of a firewall and a boundary controller (col. 22, lines 34-50).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Augart, patent 6,826,172, Schuba et al, patent 6,725,378 disclose a method and system for sending packet from a source to a destination by multiple hops in the packet network.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "JWC".

JWC
June 12, 2005